


UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED
SCRANTON

MAR 21 2023

PER 
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Joahn- Alexander: Hernandez ,
Plaintiff,

vs.

T-MOBILE USA ,INC .
corporation; and KAYTHLEN, ANGEL
CRUZ,CRISS ,KRISY , AND DENISSE
an individual .

Defendant

COMPLAINT
(VIOLATION OF TITLE 18 PA C.S
4906
NEGLIGENT HIRING, RETENTION,
SUPERVISION)

3 : CV - 23 - 0498

PRAYER: \$ 20,000,000

JURY TRIAL DEMANDED

Plaintiff Joahn Hernandez demands a jury trial and alleges as
follow :

1.

Defendant T-Mobile USA inc.(hereinafter, "T-MOBILE") is, and at all
times mentioned herein, has been a Pennsylvania corporation engaged in
phones ,phone service , internet services , includes at a store located at 1116
Commerce Blvd ,Dickson city PA, 18519. and 315 suite C Pittston ,P.A 18640
T-MOBILE conducts regular, sustained business activity in Dickson city and
Pittston township.

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2.

On information and belief , defendant Angel Cruz ‘Manager’,
Kathlyn “manager”, Criss “mobile expert”, Krissy, and Denisse are residents
of Pennsylvania.

3.

On January ,2023 Mr. Hernandez a Spanish American was at T-
MOBILE at Dickson city getting information of military plan service when
Jacquie C “Mobile expert” told Mr. Hernandez and Ms. Norma with any proof
of their son’s military service . Mr. Hernandez and Ms. Norma will be able to get
Max military Plan benefits .

4.

Mr. Hernandez was peacefully at T-MOBILE with all qualification,
for Max Military plan located at Pittston, PA , in his first visit at this location
Angel “Manager” Criss “mobile expert” and Krissy “employee” denied service .

5.

On February 3, 2023 at 11:48 am a 16:36 minutes video, show Mr.
Hernandez was at T-MOBILE store in Pittston P.A to get any information of
any manager above them. “Manager” Kathlyn and Krissy, who was then and
there acting the scope of their employment, denied service Max military Plan
to Mr. Hernandez .

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1 6.

2 On February 8,2023 at 2:37 pm a 11:20 minutes video shows that Mr.
3 Hernandez was peacefully at T-MOBILE at Pittston asking for a manager above
4 them Angel , Criss ,Krissy at store immediately call 911 dispatch and
5 summoned police ,reporting the he is "harassing and committing
6 fraud" ,Defendant Angel , Criss told Mr. Hernandez he is trespassing store and
7 will be remove from premises.
8

9 7.

10 The officer 6613,1623 and Sargent from township police department
11 came to the location where Mr. Hernandez , Angel, Criss, Krissy where in
12 response to Angel , Criss , Krissy's call .
13

14 8.

15 Mr. Hernández video shows when he explains to officer. His son is on
16 duty. Mr. Hernandez explained to officer 6613 , T-MOBILE policy says his son
17 doesn't need to be present .Video shows officer asking to Mr. Hernandez id.
18 Mr. .Hernandez stop recording and call wife while he was on his phone ,office
19 hand cuff and search Mr. Hernandez and remove from premises. when Angel,
20 Criss and Krissy summoned officer Mr. Hernandez was charged with criminal
21 trespass .
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1 9.

2 On February 11, 2023 at 5:53 Mr. Hernandez and Ms. Norma was at
3 T-MOBILE Dickson city on a conversation with Jacquie C "mobile expert"
4 admitted that T-MOBILE lose money if they give that service, immediately
5 Jaquie C says "not us here Others T-MOBILE stores" .
6

7 10.

8 Mr. Hernández was contact by email from "regional manager" Jorge
9 Gonzales on February 13 ,2023 at 12:31 from different email that was given to
10 Mr. Hernandez on the February 3, 2023 at T-MOBILE Pittston store .On
11 February 14, 2023 at 10:07 am on Phone conversation with Jorge . Jorge
12 "District manager" he also told Mr. Hernandez is considered fraud traying to get
13 a service with his sons' information.
14

15 11.

16 On February 14 ,2023 at 1:04 pm was at T-Mobile at Dickson city to see if
17 Jacquie C "Mobile expert" was at store and was not , a video of 3:14 minutes
18 shows that Mr. Hernandez was asking Denisse to print the agreement and
19 Denisse denied service ,above "manager" also refuses ,Denisse "manager store",
20 and employee agree to call 911 dispatch , police officer 31 Gallagher and officer
21 52 came to the location where Mr. Hernandez ,Denisse where in response to
22 Denisse call , a video of 1:06 minutes shows Denisse ask officers to remove Mr.
23 Hernandez .
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12.

T-MOBILE USA INC. Legal team send response letter on February 21,2023 that Mr. Hernandez is Harassing T-MOBILE employees taking videos of employee and failure to comply may result in prohibit from entering any store T-MOBILE retail office going forward.

FIRST CLAIM OF RELIEF
(Violation of 18 section 4906)

13.

Plaintiff realleges and incorporates by reference paragraphs 1 through 12 above .

14.

Angel , Criss , Krissy, Kathlyn ,Jorge Gonzalez and Denisse acting within the scope of his employment ,knowingly caused police to arrive at T-MOBILE to contact plaintiff, with the intent to :

- 1) Infringe on plaintiff's rights under the Pennsylvania and UNITED STATES constitution ;
- 2) Unlawfully discriminate against plaintiff ;
- 3) Cause plaintiff to feel harassed , humiliated, or embarrassed;
- 4) Cause plaintiff to be criminal trespass from T-MOBILE , a place where plaintiff was lawfully located ;or

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1 5) Cause damage to his consumer prospects or interest.

2 6) Hernandez to suffer damage to his reputation or standing within the
3 community .
4

5 15.

6 The above-described conduct by Angel ,Criss ,Krissy ,Kathlyn,
7 Denisse and Jorge Gonzales .violated , (Title 18 Pa c.s. 4906 .
8 DISCRIMINATION 7 CFR 15.3 (b.(i). DEFAMATION 28 U.S code 4101(d) .
9 CONSUMER Bill of RIGHTS On March 15, 1962, President John F. Kennedy .
10 Harassment Pennsylvania code title 18 2709 (d) . unfair trade practice
11 and consumers protection law act: of dec.17 1968, P.L1224.No.387 . FIRST
12 AMENDED and FOURTH AMENDED)

13 16.

14 As a result of the above-describe conduct, plaintiff suffer, continues
15 to suffer, and may permanently suffer from embarrassment, fear, humiliation,
16 Anger, and indignity, all to his noneconomic damage in the amount of 400,000.
17 noneconomic damage are not to exceed a maximum combined amount of
18 400,000. For all claims for relief .
19

20 17.

21 Plaintiff is entitled to reasonable pursuant 18 section 4906.

22 18.

23 The conduct of T-MOBILE employee describe herein was in Pittston and
24 Dickson City reckless, and intentional disregard of societal obligations ,and
25 constituted a reckless and outrageous indifference to highly unreasonable risk
26

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1 of harm, and conscious indifference to the health ,safety, and welfare of
2 others ,and defendant of T-MOBILE should be assessed punitive damage in the
3 amount of 20,000,000 in order to deter defendant and others similarly situated
4 from this and similar kinds of conduct in the future.
5

6 **Second claim for relief**

7 **(Negligent haring or retention- defendant T-MOBILE)**

8 19.

9
10 Plaintiff realleges and incorporates by reference paragraphs 1 through
11 12 and 14-18, above .

12 20.

13 Defendant T-MOBILE , by and through its manager official was aware
14 that Angel, Criss , Krissy, Kathlyn, and Denisse was providing false information
15 about customer to police officers . T-MOBILE know that continuing to employ
16 Angel , Criss , Krissy , Kathlyn and Denisse would likely to the kind of conduct
17 made unlawful title 18 section 4906.
18

19 21.

20
21 T-MOBILE was negligent in one or more of the following ways ,and such
22 negligence was a cause of all damage alleged in the first claim for relief:

23 1) in retaining Angel ,Criss , Krissy , Kathlyn ,Jorge and Denisse as
24 employee.
25
26

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2) in failing to supervise Angel , Criss , Krissy ,Kathlyn ,Jorge and Denisse to prevent foreseeable violations of customers' rights by Angel , Criss , Krissy Kathlyn, Jorge and Denisse.

22.

As a result of the above-described conduct ,Mr. Hernandez suffer, continues to suffer , and may permanently suffer from feelings of racial stigmatization , embarrassment , humiliation ,anger, indignity and shame , all to his noneconomic damage in the amount of 400,000. Noneconomic damage are not to exceed a maximum combine amount of 400,000. For all claims for relief

23.

Plaintiff is entitled to reasonable pursuant to DISCRIMINATION 7 CFR 15.3 (b)(i). DEFAMATION 28 U.S code 4101(d) . CONSUMER Bill of RIGHTS On March 15, 1962, President John F. Kennedy . Harassment Pennsylvania code title 18 2709 (d). unfair trade practice and consumers protection law act: of dec.17 1968, P.L1224.No.387 and FIRST AMENDED and FOURTH AMENDED .

24.

The conduct of T-MOBILE describe herein was in Pittston and Dickson city reckless, and intentional disregard of societal obligations, and constituted a reckless and outrageous indifference unreasonable risk of harm ,and conscious indifference to the health, safety ,and welfare of others , and defendant T-MOBILE USA INC. should be assessed punitive damage in the amount of

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20,000,000 in order to deter defendant and others similarly situated from this
and similar kinds of conduct in the future.

Third claim for relief

(Discrimination - All defendants)

25.

Plaintiff realleges and incorporates by reference paragraphs 1 through
12 above .

26.

The above-describe T-MOBILE USA INC. stores is ,and at all times
mentioned herein , has been a place of public accommodation within the
meaning of Act of October 27, 1955, P .L. 744, as Amended .at least part of the
motivation for the above – described conduct on the part of T-MOBILE
employee denying service. DISCRIMINATION 7 CFR 15.3 (b.1)

(I) denied any individual any service , financial aid ,or other benefits
provided by the program .

27.

As a result of the above-describe discrimination , Mr. Hernández suffer,
continues to suffer, and may permanently suffer from felling of racial
stigmatization, embarrassment , humiliation ,anger, indignity, and shame ,all to
his noneconomic damages in the amount of 400,000.

28.

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1 Plaintiff is entitled to reasonable pursuant to PENNSYLVANIA HUMAN
2 RELATION ACT act of oct.27 ,1955.P.L 744,NO.222 section (3)
3
4

5 29.

6 WHEREFORE ,plaintiff prays for a judgment against each defendant
7 in an amount not to exceed 400,000 in noneconomic damage for all claims ,
8 Punitive damage against defendant T-MOBILE USA INC. in an amount not to
9 exceed 20,000,000 for all claims , for plaintiff's pursuant to PENNSYLVANIA
10 HUMAN RELATION ACT of oct.27, 1955. P.L 744, no 222 section (3). And 18
11 section 4906. And for his cost and disbursements necessarily incurred herein.
12

13 Date : march 20,2023
14

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